

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIASAT, INC.,

Plaintiff,

v.

WESTERN DIGITAL TECHNOLOGIES, INC.,

Defendant.

Case No. 6:21-cv-01230-ADA

**JOINT STIPULATION TO STAY CASE PENDING RESOLUTION OF APPEAL OF
INTER PARTES REVIEW FINAL WRITTEN DECISION**

WHEREAS, pursuant to the scheduling order in this litigation, fact discovery closed on July 19, 2024 (*see* Dkt. 188);

WHEREAS, a number of fact discovery issues are pending Court resolution and additional fact discovery issues arose pertaining to conduct occurring during the final seven days of fact discovery, which may require Court intervention;

WHEREAS, pursuant to Local Civil Rule 16(e), the deadline for the parties to file any discovery motion pertaining to conduct occurring during the final seven days of fact discovery is August 2, 2024;

WHEREAS, Defendant Western Digital Technologies, Inc. (“WDT”) filed *inter partes* review (“IPR”) petitions challenging the validity of the two patents asserted in this litigation (*see* IPR2022-01171 and IPR2022-01126);

WHEREAS, on November 20, 2023 and December 13, 2023, the Patent and Trial Appeal Board (“PTAB”) issued final written decisions (“FWD”) in the two IPRs;

WHEREAS, on January 10, 2024, Defendant Western Digital Technologies, Inc. filed a motion to stay this litigation pending resolution of any appeals of the *inter partes* review of the Asserted Patents (*see* Dkt. 174);

WHEREAS, on February 16, 2024, Plaintiff Viasat, Inc. (“Viasat”) filed a notice of appeal of the FWD issued in IPR2022-01171 concerning the asserted ’347 patent (*see* Case No. 24-1483 (Federal Circuit));

WHEREAS Viasat did not file a notice of appeal as to the FWD in IPR2022-01126 concerning the asserted ’700 patent; and

WHEREAS, following fact discovery, Viasat agreed to the offered stay.

NOW THEREFORE, the parties hereby jointly stipulate that:

1. The parties shall resolve all outstanding fact discovery issues and file any relevant discovery motions by August 9, 2024;
2. The Court may resolve all discovery motions presently before the Court or timely brought before the Court prior to August 9, and the parties shall complete fact discovery according to any Court orders relating to such discovery motions;
3. The parties agree that all other deadlines in this litigation shall be stayed until either fourteen days after the resolution of the appeal of the FWD issued in IPR2022-01171 relating to the asserted ’347 patent, or 30 days after Viasat “drop[s] the claims that have been invalidated” in the IPR2022-01171 FWD (Dkt. 174 at 1), and in the interim period between either resolution of the appeal or Viasat’s notice to WDT that it is dropping the invalidated claims and when the parties notify the Court, the parties will prepare a new proposed schedule for the litigation;
4. Unless otherwise instructed, the Parties shall jointly notify the Court within fourteen days of the entry of the mandate in the above-noted appeal or within 30 days of Viasat

dropping all invalidated claims, and shall request that the Court lift the stay and enter a new schedule for the litigation; and

5. WDT's motion to stay (Dkt. 174) shall be deemed moot.

SO ORDERED on this _____ day of _____, 2024.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

Dated: August 2, 2024

/s/ Meg E. Fasulo

Melissa R. Smith, State Bar No. 24001351
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
Email: melissa@gillamsmithlaw.com

J. Scott McBride (Pro Hac Vice)
Matthew R. Ford (Pro Hac Vice)
Nevin M. Gewertz (Pro Hac Vice)
Tulsi E. Gaonkar (Pro Hac Vice)
Meg Fasulo (Pro Hac Vice)
Jessica Bernhardt (Pro Hac Vice)
Ravi Shah (Pro Hac Vice)
BARTLIT BECK LLP
54 W. Hubbard Street, Suite 300
Chicago, IL 60654
Telephone: (312) 494-4400
scott.mcbride@bartlitbeck.com
matthew.ford@bartlitbeck.com
nevin.gewertz@bartlitbeck.com
tulsi.gaonkar@bartlitbeck.com
meg.fasulo@bartlitbeck.com
jessica.bernhardt@bartlitbeck.com
ravi.shah@bartlitbeck.com

Nosson D. Knobloch (Pro Hac Vice)
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, CO 80202
Telephone: (303) 592-3100
nosson.knobloch@bartlitbeck.com

Counsel for Plaintiff Viasat, Inc.

/s/ L. Kieran Kieckhefer

L. Kieran Kieckhefer
GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center, Suite 2600
San Francisco, CA 94111
(415) 393-8200
kkieckhefer@gibsondunn.com

Brian Buroker
GIBSON DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W., Suite 200
Washington, DC 20036
(202) 955-8541
bburoker@gibsondunn.com

Robert Vincent (Texas State Bar No.
24056474)
GIBSON DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
(214) 698 3281
rvincent@gibsondunn.com

Ahmed ElDessouki
GIBSON, DUNN & CRUTCHER LLP
200 Park Ave.
New York, NY 10166
(212) 351-2345
aeldessouki@gibsondunn.com

Lillian J Mao
GIBSON DUNN & CRUTCHER LLP
1881 Page Mill Road
Palto Alto, CA 94301-1211
(650) 849-5307
lmao@gibsondunn.com

Barry K. Shelton (Texas State Bar No.
24055029)
SHELTON COBURN LLP
311 RR 620 S, Suite 205
Austin, TX 78734
(512) 263 2165
bshelton@sheltoncoburn.com

*Counsel for Defendant Western Digital Techs.,
Inc.*

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on August 2, 2024, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/ Barry K. Shelton

Barry K. Shelton